

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

David Paterson,

Plaintiff,

v.

Citibank, N.A.; Trans Union LLC a/k/a
TransUnion (dismissed),

Defendant(s).

Case No.

**NOTICE OF REMOVAL OF
DEFENDANT CITIBANK, N.A.**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, defendant Citibank, N.A. (“Citibank”), hereby removes the action entitled David Paterson v. Citibank, N.A.; Trans Union LLC a/k/a TransUnion (dismissed), Index No. 601537/2025, pending in the Supreme Court of the State of New York for the County of Suffolk (the “Action”), to the United States District Court for the Eastern District of New York, on the following grounds:

Removal Is Timely

1. Citibank was served with the Summons and Complaint in the Action on February 20, 2025. Citibank has timely filed this Notice of Removal pursuant to 28 U.S.C. § 1446(b) because it has been filed within 30 days of service of the Summons and Complaint. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all pleadings, process and orders filed in the Action are attached hereto as **Exhibit A** and incorporated herein by reference.

This Court Has Federal Question Jurisdiction Over the Action

2. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one which may be removed to this Court by Citibank pursuant to the

provisions of 28 U.S.C. § 1441. Pursuant to 28 U.S.C. § 1331, original jurisdiction of the district courts includes jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” “An action may ‘arise under’ a law of the United States if the plaintiff’s right to relief necessarily turns on construction of federal law.” Bright v. Bechtel Petroleum, Inc., 780 F.2d 766, 769 (1986) (citing Franchise Tax Bd. of Cal. v. Constr. Laborer’s Vacation Trust, 463 U.S. 1, 9 (1983)). Plaintiff purports to assert a claim for violation of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (“FCRA”) (see Complaint ¶ 1), a claim necessarily arising under the laws of the United States, and subject to this Court’s removal jurisdiction under 28 U.S.C. § 1331. Thus, the removal is proper.

The Court Has Supplemental Jurisdiction Over State Law Claims

3. An exercise by this Court of supplemental jurisdiction over Plaintiff’s state law claims is warranted pursuant to 28 U.S.C. §§ 1367 and 1441(c), because the state law claims are so related to the FCRA claims that they form part of the same case or controversy.

Consent is Not Necessary Because No Other Named Defendant Remains

4. Plaintiff has partially discontinued the action against Defendant Trans Union LLC a/k/a TransUnion. Citibank is the only remaining named defendant in this action that has not been dismissed. Accordingly, consent of removal is not necessary, and removal is proper pursuant to 28 U.S.C. §§ 1446(a) & (b).

Venue Is Proper In This Court

5. This Court is the proper district court for removal because the Supreme Court of the State of New York for the County Suffolk is located within the United States District Court for the Eastern District of New York. See 28 U.S.C. § 1441(a).

Notice Will Be Effected

6. Pursuant to 28 U.S.C. § 1446(d), this Notice of Removal shall be given to adverse parties and a duplicate copy of this Notice of Removal, without exhibits, shall be filed in the Action.

Dated: New York, NY
March 21, 2025

MORGAN, LEWIS & BOCKIUS LLP

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I caused a copy of the foregoing NOTICE OF REMOVAL to be served by electronic filing through the court's CM/ECF System. Notice of this filing will be sent by e-mail to all parties or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing.

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/s/ Brian C. Frontino
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